

Note: Refer to #4 on the *Legend of Recommendations* for all strikeout/underlined X's in the course columns on the left of the table

**TRAINING AND TESTING  
SPECIFICATIONS FOR LEARNING DOMAIN #16  
SEARCH & SEIZURE**

January 1, 2006

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X		X			X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

**I. LEARNING NEED**

Peace officers must have a clear understanding of their authority, responsibility, and potential for liability in the areas of search and seizure law, as well as the protections provided by constitutional law, statutory law, and case law against unreasonable searches and seizures.

**LEARNING OBJECTIVES**

- A. Recognize constitutional protections guaranteed by the Fourth Amendment
- B. Identify the concept of reasonable expectation of privacy
- C. Recognize standing and how it applies to an expectation of privacy
- D. Recognize probable cause to search and its link between Fourth Amendment protections and search and seizure law
- E. Recognize how the exclusionary rule applies to a peace officer's collection of evidence

**II. LEARNING NEED**

To search for and seize evidence legally, peace officers must know the rules and requirements for obtaining and executing a search warrant.

**LEARNING OBJECTIVES**

- A. Recognize how probable cause serves as a basis for obtaining a search warrant
- B. Recognize appropriate actions for securing an area pending issuance of a search warrant
- C. Identify the time limitations for serving a search warrant
- D. Recognize the elements for compliance with the knock and notice requirements when serving a search warrant

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X			X		X	X
X		<u>X</u>	X		X	X
X		<u>X</u>	X		X	X
X	X	X	X		X	X
X	X	<u>X</u>	<del>X</del>		X	X
X	X	<u>X</u>	<del>X</del>		X	X
X	X	<u>X</u>	<del>X</del>		X	X
X	X	<u>X</u>	<del>X</del>		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X

### III.

#### LEARNING NEED

Although warrantless searches and seizures are presumptively illegal, when certain conditions are met, officers may lawfully search and seize evidence without a search warrant. For evidence to be admissible at trial, officers must have a clear understanding of the legal requirements for those conditions.

#### LEARNING OBJECTIVES

- E. Recognize the Nexus Rule application while conducting an authorized search
- A. Recognize why a plain view seizure does not constitute a search
- B. Recognize the legal requirements for seizure of items in plain view
- C. Recognize the conditions and circumstances where warrantless searches and seizures are considered reasonable and legal
- D. Recognize the scope and necessary conditions for conducting the following types of warrantless searches:
  1. Cursory/frisks
  2. Consent searches
  3. Searches pursuant to exigent circumstances
  4. Searches incident to arrest
  5. Probation/parole searches

### IV.

#### LEARNING NEED

The Fourth Amendment's protection against unreasonable searches and seizures extends to a person's vehicle and property inside the vehicle. However, the courts have created several exceptions to the Fourth Amendment's warrant requirement because of a motor vehicle's potential mobility and reduced expectation of privacy.

#### LEARNING OBJECTIVES

- A. Recognize the scope and necessary conditions for conducting the following types of motor vehicle searches:
  1. Probable cause searches
  2. Seizures of items in plain view

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X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X	X		X		X	X
X			X		X	X
X	X		X		X	X
X	X		X		X	X
X			X		X	X

3. Protective searches
4. Consent searches
5. Searches incident to custodial arrest
6. Instrumentality searches
7. Vehicle inventories

#### V. LEARNING NEED

Peace officers must recognize when a search or the seizure of evidence involves intrusion into a subject's body, special care must be taken to balance the subject's reasonable expectation of privacy under the Fourth Amendment against the government's need to collect evidence.

##### LEARNING OBJECTIVES

- A. Recognize the legal framework establishing a peace officer's authority to seize physical evidence from a subject's body:
  1. With a warrant
  2. Without a warrant
- B. Recognize conditions under which a peace officer may use reasonable force to prevent a subject from swallowing or attempting to swallow evidence
- C. Recognize the conditions necessary for legally obtaining blood samples
- D. Recognize the conditions for legally obtaining the following nonintrusive bodily evidence:
  1. Fingerprints
  2. Handwriting samples

#### VI. LEARNING NEED

Peace officers must be aware of a person's due process rights that protect against impermissible suggestiveness when conducting any procedure involving a subject's identification.

##### LEARNING OBJECTIVES

- A. Identify the importance of a peace officer's neutral role during an identification procedure

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X			X		X	X
X			X		X	X
X			X		X	
X					X	
X				X	X	
	X					
						X
X			X		X	
X			X		X	
X			X		X	
X			X		X	
12	3	<u>2</u> <u>5</u>	8		12	8

B. Identify officer actions before and during an identification procedure to prevent impermissible law enforcement suggestiveness when conducting a:

1. Field showup
2. Photographic spread
3. Custodial lineup

#### VII. REQUIRED TESTS

- A. The POST-Constructed knowledge test on the learning objectives in Domain #16.
- B. The POST-Constructed Comprehensive Mid-Course Proficiency Test will include learning objectives in Domain #16.
- C. The POST-Constructed Comprehensive End-of –Course Proficiency Test will include learning objectives Domain #16.
- D. The POST-Constructed PC 832 Arrest Written Test will include learning objectives in Domain #16.
- E. The POST-Constructed comprehensive test for the Requalification Course will include learning objectives in Domain #16.

#### VIII. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding search & seizure. At a minimum, each activity, or combination of activities must address the following topics:
  1. Examples of resources within a community that may help an officer establish probable cause to obtain a search warrant
  2. Fairness, trustworthiness and respect as it relates to duties performed by an officer during searches and seizures
  3. Ability to balance officer safety with the protection of individual rights and the preservation of property
  4. Legal and agency policy issues

#### IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on search and seizure.

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						X. ORIGINATION DATE January 1, 2001
						XI. REVISION DATE October 1, 2001 January 1, 2002 January 1, 2004 September 15, 2004 January 1, 2006 <u>January 1, 2007</u>